

**COPY OF SUBMISSION
ON
TWEED SHIRE COASTAL CREEKS FLOOD STUDY
OCTOBER 2009**

RESIDENT COMMENT - 1

1. *Request that the scope of the Flood Study be extended to include filling of Lot 156 Creek Street.*
- *The Flood Study for Cudgera creek is based on **current land surface levels** which resulted in the 2005 flood levels. In the early 1980's, approximately 1.0 metres of fill was illegally pumped into the creek bed of Christies Creek (a tributary of Cudgera Creek) on Lot 156 site, leaving only a 30 metre (approximate width) causeway through which Christies Creek now flows. The early 1980's damming of Christies Creek had a significant effect on the 2005 flood levels. The projected 100 year flood level (2.5 metres?) would have been significantly lower had the creek not been dammed. This is of particular significance to Creek Street residents and North Star Holiday Village where the properties suffered as a result in 2005.*

STAFF COMMENT

The objective of the CCFS is to establish existing flooding behaviour. The history of floodplain modification in this area is acknowledged, and likely to have impacted on local flood behaviour, however it is beyond the scope of the CCFS to examine scenarios relating to further modification of this land or the creek. This may be explored in the CCFRMS.

RESIDENT COMMENT - 2

- *The artificially raised flood levels are even more significant now as a development application has been proposed for Lot 156 Creek Street which includes an additional 1.0 metres of fill on top of the previous filled area which will result in even higher flood levels.*

STAFF COMMENT

The DA will need to provide a flood impact assessment utilising the new CCFS model.

RESIDENT COMMENT - 3

- *A class action against the Council for damages is already being considered by Creek Street residents for damages as a result of the 1980's filling and further filling if the proposed development of Lot 156 proceeds.*

STAFF COMMENT

The comment is not relevant to CCFS

RESIDENT COMMENT - 4

- *Because of these circumstances, and in the Council's best interests, please consider the following requests :*
 - *That the scope of the Flood Study be extended to determine how much the 1980's filling of Christies Creek bed raised flood levels.*

STAFF COMMENT

This is beyond the scope of the CCFS

RESIDENT COMMENT - 5

- *That the effects of further filling of the creek bed, as proposed by the Lot 156 development application, be determined by the Flood Study Consultant.*

STAFF COMMENT

This must be carried out by the proponent for Council & Dept Planning consideration prior to determination

RESIDENT COMMENT - 6

- *As the Christies Creek and Cudgen Creek flood plains are linked, possible raised flood levels at Cabarita, resulting from Lot 156 filling, should be included in an extended study.*

STAFF COMMENT

The flood study would include any such impacts, which is why Council's flood study must be used.

RESIDENT COMMENT - 7

2. General Observations

- *General info given at flood plan meeting Oct 28, 2009 Pottsville:*
 - *Design is based on 1:100 flood levels. Because of climate change another 300 ml will need to be added to Design Flood Levels for new developments.*
Comments: Bellingen has exceeded the 1:100 levels 3 times in the last 18 months, Coffs Harbour 5 times (including this week) - so this is already inadequate. NB The river has also been choked in Bellingen and Coffs Harbour where pipes under the road also caused flooding.

STAFF COMMENT

A review of planning controls will be included in the CCFRMS, including climate change impacts

RESIDENT COMMENT - 8

- *Council has said it won't put people into areas where litigation is likely.....e.g. Lot 156?*

STAFF COMMENT

This comment is not relevant to CCFS

RESIDENT COMMENT - 9

3. *Council are confident this flood plan is accurate. However we are not convinced ...*

- *New house on Lot 156 is built on top of where creek tributary was filled. Is council aware of the present and future consequences? (is this fill on the documents?) Does this fill also affect Cabarita?*

STAFF COMMENT

This DA was assessed under current planning controls at that time, prior to completion of the CCFS.

RESIDENT COMMENT - 10

- *Has council looked at the area or just computer models and computer information? eg the tributary fill created the current problem so modelling needs to be adjusted to consider effects of damming.*

STAFF COMMENT

The computer model utilises best available ground level and hydrologic data, including landholder observations.

RESIDENT COMMENT - 11

- *Evidence shows this existing fill creates our current problems. Further fill will create catastrophe. If flood water is high and strong enough the natural flow will re-establish itself. , right through lot 156. A normal surge is 1 metre which could become 3 metres in a flood.*

STAFF COMMENT

This comment is not relevant to CCFS

RESIDENT COMMENT - 12

- *History re remediation: although the council stopped the developer from vandalising the site further it is understood they didn't respond quickly enough, within 28 days, to ask for rectification.and blew the opportunity to nip this continuing problem in the bud.*

STAFF COMMENT

This comment is not relevant to CCFS